

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES M. BREWER, JR.,

Petitioner,

-against-

STATE OF NEW YORK,

Respondent.

21-CV-1468 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, United States District Judge:

By order dated March 2, 2021, the Court directed Petitioner, within thirty days, to submit a completed request to proceed *in forma pauperis* (“IFP”) application or pay the \$5.00 filing fee required to file a petition for a writ of *habeas corpus* in this Court. That order specified that failure to comply would result in dismissal of the petition. Petitioner has not filed an IFP application or paid the fee. Accordingly, the petition is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Clerk of Court is directed to mail a copy of this order to Petitioner and note service on the docket. Because the petition makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue under 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: April 30, 2021
New York, New York



COLLEEN McMAHON
United States District Judge